



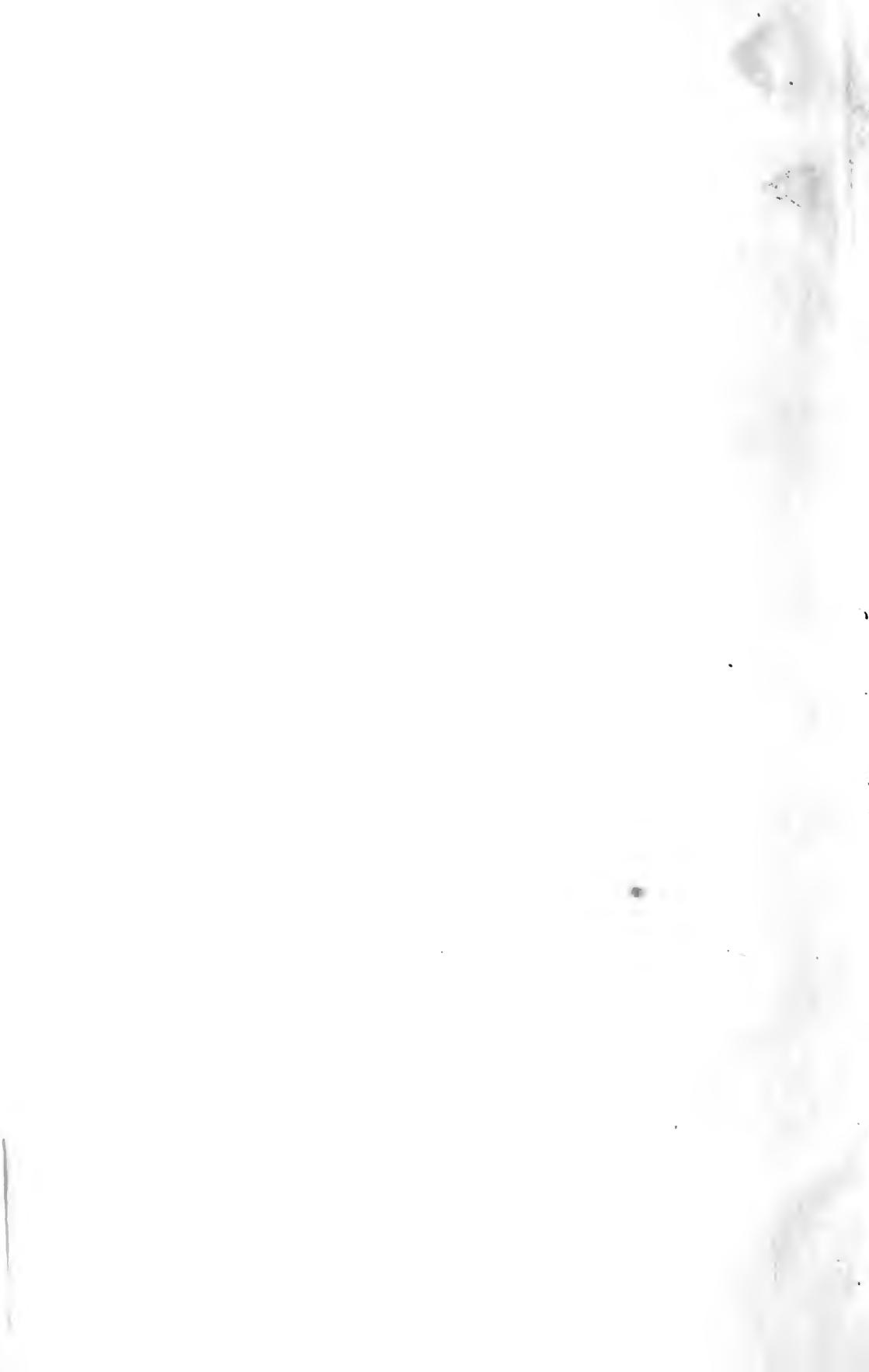
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OF THE

JUDICIAL ADMINISTRATION OF THE
PROVINCE OF SIND

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RECORD

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UNDER THE TALPOOR DYNASTY;

AND OF

PROGRESS SINCE THE CONQUEST TO THE PRESENT PERIOD.

BY

JAMES GIBBS, ESQ.,

JUDICIAL ASSISTANT TO THE COMMISSIONER IN SIND.

Bombay:

PRINTED FOR GOVERNMENT

AT THE

BAY EDUCATION SOCIETY'S PRESS, BYCULLA.

1857.



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No. 25 of 1857.

JUDICIAL DEPARTMENT.

From Brigadier General JOHN JACOB, C.B.,
Acting Commissioner in Sind,

To the Right Honorable Lord ELPHINSTONE, G.C.H.,
Governor and President in Council.

Dated 5th March 1857.

MY LORD,—I have the honour to forward, for the information of your Lordship in Council, a Report by Mr. Gibbs, Judicial Assistant Commissioner, on the Administration of Justice in this Province, which appears to me to be of much interest and value.

2. I would respectfully suggest that the Report be printed.

I have the honour to be, &c.

(Signed) JOHN JACOB, Brigadier General,
Acting Commissioner in Sind.

Commissioner's Office, Kurrachee, 5th March 1857.



JUDICIAL SYSTEM OF SIND.

From JAMES GIBBS, Esq.,
Judicial Assistant Commissioner in Sind,
To Lieutenant Colonel JOHN JACOB, C.B.,
Acting Commissioner in Sind.

Dated 15th August 1856.

SIR,—In obedience to Mr. Frere's instructions, I have the honour to lay before you a Report upon the Judicial System of this Province.

2. To render it as complete as possible, I deem it necessary, first, Scheme of Report. briefly to allude to the system we found prevailing under the Meers; next, to notice the steps taken by Sir Charles Napier to provide for the administration of Justice to the people he had conquered; and, finally, dividing my observations under the two heads "Civil" and "Criminal," to show succinctly the steps taken year by year for advancing the administration of Justice; and so, bringing my Report down to the close of the past year, comment on the results deducible from the more regular Annual Returns which have been supplied since the year 1853.

3. Under the Talpoors, Criminal Justice was administered by the Judicial System under the Ameers themselves, as well as by their Meers.—Criminal Justice. Kardars, Kotwals, and other officers, nominally in accordance with the Mahomedan law. The punishments,

Parliamentary Papers, Sind; ordered to be printed by the House of Commons, 11th August 1854.

Replies to Queries on Criminal Justice by Magistrate and Judge Advocate General, pp. 244, 245, *et seq.*

however, were settled by the payment of blood-money.

which were arbitrary in their extent, were generally mutilation, flogging, imprisonment, or fine. Death was but seldom inflicted, and only then in cases of murder, many of which, how-

4. The Meers had no jails for the reception of the prisoners under sentence of imprisonment; they were kept chained, or in stocks, in Chowkees or lock-ups, during the night, and in the day were taken out into the towns to beg for food, no subsistence being granted them from the Government.

Hindrances to Criminal Justice.

5. Personal influence, aided by presents of varied kinds, tended greatly to prevent the ends of Justice.

6. While such a course was open in cases in which the State might be said to be interested, it is not to be expected that the private rights of individuals would find a more immaculate tribunal.

7. The Officers who dispensed Criminal dispensed also Civil Justice, the Government demanding as its fee, in cases of the latter description, nominally about one-fourth of the amount in litigation, but often much more. Decisions were, however, generally the results of arbitration or references to the Cazee or Punchayet of the caste. Since, however, the monied classes were chiefly Hindoos, who were always fearful of extra exactions on the part of their Mussulman rulers, disputes, which under our Government would result in Civil actions, were seldom, under the Meers, allowed to go into Court, the parties preferring to settle the matter by private arbitration.

8. The following description of the manner in which a Civil suit was conducted in those days, given me by an intelligent native, may be deemed worthy of record. Two persons had a dispute about some debt, the amount say Rs. 50, and, not being able to come to terms, they went before the Hakim or Kardar. This Officer of Justice demanded that Rs. 50 should be placed in deposit by the plaintiff to ensure the claim not being fraudulent, and a similar sum by the defendant to ensure his presence. He then gravely inquired into the case, and passed his decision in favour of the plaintiff, whose claim he ordered the defendant to discharge; he, however, further decreed that the sums in deposit should go to Government (or himself), as fees for the trouble its Officer had had in disposing of the matter. Under such a system, the paucity of Civil suits is not a matter of much wonderment.

Description of a Civil Suit in the time of the Ameers.

9. But although the theory of the administration of Civil and Criminal Justice under the old rule was as above shown, yet in practice there existed another agency, which, either lawfully exercised or unlawfully usurped, occupied a very large share in all departments of the Government. I allude to the Sirdars and Jagheerdars. The Sirdars, or heads of tribes and clans, exercised, by admitted custom, supreme authority over their clansmen and followers ; and the Jagheerdars, or military vassals of the State, who, as such, held in alienation large tracts of country, usurped the powers of Judge within the limits of their Jagheers, to a greater or less extent, in accordance with their power or influence at Court. The decisions of these self-constituted Judges were, as might be supposed, far more arbitrary than those of the regular Government officials.

10. On our taking possession of the country, Magistrates were appointed, who had limited powers (six months' imprisonment, and fifty lashes ; Rs. 100 fine) ; and by them all trivial Criminal cases were disposed of. They were also, for the first few months, allowed to decide, subject to the confirmation of the Governor, more serious offences, provided the sentence passed did not exceed seven years' imprisonment. But this power was soon withdrawn ; and all cases requiring more than six months' imprisonment were directed to be disposed of by a Military Commission, under the general rules for Courts Martial. A memo. of the punishments considered by the Governor applicable both in nature and extent was some time after issued for their guidance. The whole Province was considered as one large camp. Sir Charles Napier's reasons for this are shown in the following memo. dated May 1845 :—

“ My opinion is this :—

“ 1. That Sind is not beyond the frontier, but forms part of India within the frontier.

“ 2. That this Province, though within the frontier, does not come within the operation of rules which apply within India, because—

“ 3. Neither Indian laws nor Indian courts of laws exist in Sind. It is a country lately conquered, which formerly had no rule or code but the absolute will of its late rulers.

“4. Therefore the Supreme Government have confided the administration of Justice to the Military Chief or Governor, as the best and indeed the only course of proceeding that can be at first safely adopted, and for this simple reason, that it makes the least possible change, and one which the people understand. Instead of a despotic Ameer there is a despotic English General, that is all.

“5. The question for that General to decide is this,—How am I to do the greatest quantity of justice, and commit the least portion of evil?

“6. In answering this question as regards the point under discussion, I at once assume that we are here in a moral position nearly similar to being beyond the frontier, although geographically within the frontier; therefore we have only the Military Courts to apply to for protection, and those Courts are established by the chief Military authority, or Governor, which authority has been sanctioned by the power of the Court of Directors to be the rule in Sind for the present.

“7. With this view I apply the principle of Clause XVII. Act XI. of 1841, but without the provision for appeal to the Sudder Adawlut of any Presidency, but with an appeal to a higher Military Court, viz. a General Court Martial, from the decision of a Court of Requests or from that of a Magistrate.

“8. My reason for objecting to any appeal to the Sudder Adawlut is this;—if any Court but a Military Court has power in Sind, all legal Courts should have the same, and then all the functionaries of these Courts must be imported, with all the machinery of such Courts; and thus would a new system, foreign and incomprehensible to the people, be at once forced upon them,—a system of which they know nothing, and which would clash every hour of the day with all their former habits; and the Military power, which alone they understand, would be broken, the whole system would become confused, and be neither Military nor Civil, and mischief would be the result.

“9. If any legal interference is admitted in Sind, the whole system must be changed, and a code with all its apparatus be sent.

“10. I do not think this will be done yet; therefore, unless I receive instructions to the contrary, I shall submit all claims to Courts of Request, Magistrates, Military Commissions, and General

Courts Martial, all composed of European Officers, according to the position of the plaintiff and the circumstances of the case."

11. Thus far, save for minor crimes, nothing but the cumbrous Military Commissions, and often unsatisfactory method of a Military and Civil Judge Advocate General. Commission existed for the disposal of serious offences. The Governor had an Officer attached to his staff, styled the "Civil Judge Advocate General," a curious title for an Officer who was so appointed to conduct "Military Commissions." He also acted as Judge Advocate General of the Divisional Army, and his pay was debited half to the Civil and half to the Military expenses of the Province. Through him all the Reports, Returns, and, generally, the entire correspondence in the Judicial Department of the Province passed. This Officer had two deputies, one at Hyderabad, the other at Sukkur, who conducted the proceedings at Military Commissions, and generally assisted in the Judicial business of their respective divisions.

12. Although theoretically the prisoner's guilt or innocence was to be decided on by a tribunal composed of three Officers, none of whom were to be of less standing than seven years, still, in reality, the Military Commission had no power or authority, the decision being entirely in the hands of the Governor, who did as he pleased. The following definition of the powers of this Commission is from the pen of Sir Charles Napier himself, dated 27th November 1845, and forms a portion of his observations on the trial at Shikarpoor, of a person named Juwahir Khan, Sepoy, Grenadier Company, Upper Sind Police Corps.

"REVISED.—The Commission does not appear to me to be quite aware of its position, and I will, in revising its proceedings, endeavour to explain what its duties and powers are. This country having been conquered, having been governed despotically and without any code of laws, has been left by the Court of Directors under the entire control of the Military Governor (s. o.), and sanctioned his assembling Military Commissions of his own authority as a sort of Council; at the same time leaving him the full power of a Commander in the Field over the inhabitants. This gives Commissions no legal authority, and leaves the Commander full power to control their sentences; and I could at once, of my own authority, change the sentence. But while this is the case, the Commission is,

for the same reason, without any *responsibility* for its sentence, except to the honour and consciences of those who compose it. If it sentences a man to death, I, who order the execution, am the sole responsible authority. The members composing the Commission only give their opinions, and sentence what they judge fair. The attempt, therefore, to act under Articles of War, new or old, is *incorrect*; no reference should be made to any Article or Articles of War. The Commission is not a legalised Court. I will take one instance to show the Court its error:—the number of Officers would alone destroy the legality of a Commission, if we were guided by the Articles of War, which makes no mention of a Military Commission."

13. Little, however, was done towards settling rules for the disposal of Civil business, besides ordering a 5 per cent. fee to be levied on all suits filed. Private arbitration, summary disposal by the European Officers of the District, or reference to the Cazee or Punchayet, as the case might be, whose decision was subject to the confirmation of the European Officer, constituted the sole methods adopted towards the settlement of private rights.

14. The record of Civil cases consisted of little else than the subject of the plaint and the purport of the award. An appeal was allowed from the decisions of Cazees and Punchayets to the higher Court; but this privilege appears very seldom to have been used, owing to the scanty information the record of the case, as then kept, was calculated to afford.

15. The decrees were enforced either by the imprisonment of the debtor, or the attachment and sale of his property.

16. But during the Government of Sir Charles Napier, and for some time after, the want of definite instructions led doubtlessly to much injury being done to parties. Although the administration of justice was committed wholly to the control of European Officers, it was very clear that much so-called Justice was administered by the Native Officials of Government, who, however, were not formally vested with Judicial powers. Upon a review of the administration of Justice under Sir Charles Napier's Government, I do

The want of definite Rules often interfered with the Administration of impartial Justice.

not think it can be said to have been more than the old system more honestly carried out; the corruptness of the Amceers' Courts being exchanged for the honesty of the English, while the absence of law and of general principles of jurisprudence, and the influence of personal feelings, were nearly as great under the one rule as under the other.

17. I now proceed to the period when the Military Government was abolished, and Mr. Pringle became Commissioner. This gentleman continued to assemble Military Commissions. He laid before the Government of Bombay an elaborate Report on the Judicial system he found in existence, and, after much correspondence, instructions were finally issued by the Governor in Council, as to the Criminal procedure, under date the 28th February 1849, No. 703 A, and as to the Civil, No. 790 of the 13th March following.

18. By these instructions Military Commissions and the offices of Civil Judge Advocate General and his Assistants were abolished, and the Courts for Civil and Criminal Jurisdiction were determined to be, 1st, The Commissioner's; 2nd, The Magistrate's; 3rd, The Deputy Magistrate's; and 4th, Kardars'; and the office of Judicial Assistant to the Commissioner was created. Major Young, who had held the office of Civil Judge Advocate General for some years, was the first Officer nominated. Of the Officers appointed to administer Justice, the Magistrates and Deputy Magistrates had already exercised limited Judicial powers; to them the new rules were merely an extension of their former powers; while, as regarded the Commissioner, they reduced the absolute and arbitrary power of a Military Governor to the regulated, and in some respects diminished, powers of a Chief Court of Appeal. Kardars had previously exercised no recognised Magisterial authority; doubtless, as has been before observed, in the large districts under their

General opinion against Native officials exercising Judicial powers. charge they did much in an irregular way, but so completely was the idea of their being authorised to decide petty cases, Civil or Criminal, at variance with the general opinion of all the local European Officers, that, although the Government of Bombay strongly recommended that their orders should at once be acted on, they remained, in truth, a dead letter for some years.

19. Having thus roughly traced the Judicial Administration of the Division of the rest of the Report into two divisions, Civil and Criminal, procedure, and show, *seriatim*, what have been the steps taken to bring each to its present state.

CIVIL.

20. One great reform which the New Rules effected was the Civil, 1849. defining the jurisdiction of the different Courts.

The Kardars', Deputy Magistrates', and Magistrates' were declared Courts of Original Jurisdiction ; and the Commissioners', Magistrates', and Deputy Magistrates', Courts of Appeal. No very distinct orders were, however, issued as to the forms of procedure, nor were the Kardars authorised to exercise their new powers.

21. During the year 1850 no instructions whatever appear to have been issued for the improvement of Civil 1850. Justice.

22. In 1851, shortly after Mr. Frere assumed charge, the question of the Kardars being allowed to exercise the Judicial powers recommended by the Government of Bombay seems to have been brought to the Commissioner's notice by Captain Rathborne, the Magistrate of Hyderabad ; and after some correspondence with the different officers, final instructions were issued (No. 668 of 11th August 1851), directing Kardars to dispose of Civil suits for claims not exceeding Rs. 30,

Kardars authorised to dispose of petty Civil suits. and in which the cause of action arose within a period of twelve months prior to the date of filing the plaint. A few clear concise rules were drawn up for their guidance, and their decisions were appealable when the sum in dispute exceeded Rs. 10.

After a year's trial, Reports, showing the favourable operation of the new step, received.

23. A report was called for at the close of the year, and from the replies received, it appeared that the arrangements had worked extremely well, and were acceptable to the people.

24. But certain modifications being considered necessary, a Circular was issued (lithographed Circular No. 455 of 25th May 1852), by which Kardars' powers in Civil suits were extended to Rs. 50, and

1852.
Kardars' Powers increased, and Moonsiffs appointed.

Moonsiffs were appointed at Shikarpoor and

Hyderabad, with powers to dispose by themselves of Civil claims of not more than two years' standing and not exceeding Rs. 200, and, in conjunction with a jury, of claims not exceeding Rs. 500, without any other limits than the date of the Conquest and those set out in Regulation V. of 1827.

25. This latter authority constituted a sort of Court of Requests, but it was optional for the plaintiff to go before it or not; its decisions in cases in which the

Court of Requests. claim did not exceed Rs. 50 was final, but beyond that sum, appealable to the Deputy Magistrate, when, if confirmed by that Officer, no further appeal was allowed.

26. Mr. Bellasis was appointed to act as Judicial Assistant in the place of Major Young, who was appointed Acting Judge Advocate General of the Bengal Army, and joined in October, but no further orders regarding the administration of Civil Justice appear to have been issued during the year.

27. In 1853 much was accomplished towards rendering the rules and practice of the Courts systematic and effective. Regular Returns were directed to be furnished monthly according to a given form, copies of cases from the Surat Adawlut were

circulated to all Officers as patterns for keeping their records, and instructions were issued with regard to the limits for appeal in different Courts, the summoning of witnesses, the execution of decrees, and the levying costs in pauper suits. Thus the practice of the Courts, which heretofore had remained unfixed and confused, was assimilated throughout the Province.

28. But the two great reforms which the Circulars for this year show are the institution of rules, first, for Insolvent Debtors, and Insolvent Debtors (No. 598 of 4th June), Registration of Deeds. and, second, for the Registration of Deeds (No. 1156 of 6th October).

Two great Reforms;

29. With regard to the former, it may be briefly stated that it Object of the Insolvent Debtors' Circular. prevents an unfortunate debtor being kept in prison beyond six months, and enables him or any other insolvent to obtain, upon the delivery of all his property to the use of his creditors, to be apportioned by the Court, a certificate, either first or second class, exonerating him entirely from liability, or determining what proportion of his future gains should be liable for his previous debts; a copy of this Circular is appended (Appendix A).

30. With regard to the latter Circular, it provided employment Cazees appointed to register Deeds. for the Cazees, raised their position, and, by establishing Registry Offices in each Kardarate, greatly facilitated the registration of deeds.

31. In the early part of this year these Officers were further invested (No. 150 of 16th February) with the power to dispose of certain Civil suits by consent of the parties, and for such decisions they received half the Government fees.

Mr. Bellasis appointed Collector of Hyderabad; Mr. Gibbs succeeds him as Judicial Assistant to the Commissioner.

32. Mr. Bellasis having become Collector and Magistrate of the Hyderabad Collectorate, I had the honour to be appointed his successor as Judicial Assistant to the Commissioner, and joined in January 1854.

33. Owing to the careful endeavours of my predecessor, the Officers generally conducted the Civil work in a very creditable manner. Their English proceedings were invariably full, sometimes, indeed, of needless length; but the want of arrangement in the records still remains uncorrected.

34. No steps of any importance were taken until quite the close of the year now under review, when a Circular (No. 1307 of 20th November) was issued, abolishing second appeals in the Zillah. This step had long been required to expedite the course of Justice, but had been delayed to this date to enable the Deputy Magistrates to acquire sufficient experience to warrant such change. The result has proved the measure to be a good one. It has, of course, thrown more work into the Commissioner's Court, but it has materially lessened the work in the Zillahs, and will, I think, tend much to decrease useless and protracted litigation, especially in the upper portion of the Province.

35. From the 1st January 1855 the revised Establishments came into operation, and amongst the Officers then appointed were the Deputy Magistrates in charge of Adawluts. These functionaries commenced their labours on the 1st January, 1855.

Revised Establishments introduced; Deputy Magistrates in charge of Adawluts created. and directions were promulgated defining their duties, which were similar to those of a Joint Judge and Session Judge in Bombay.

Rules for Vakeels. Shortly afterwards a Circular was issued regarding Vakeels, who had hitherto practised unguided by rules. It was found that the differences in opinion amongst Judicial Officers relative to this matter were proportional to the variety of practice obtaining in their respective Courts.

36. The class of persons employed was not always respectable. One or two cases of fraud had come to light, and many more were suspected. The rules, a copy of which is appended (Appendix B), were therefore required. The examination in the regulations and practice of the Courts has not, however, as yet been fully carried out, translations into Sindee of the requisite portions not being completed. But every pleader has been obliged to provide securities for his good conduct, and, from what I have learned during the last two tours, the Circular has worked well.

37. The local Officers having been found, with some two or three Sindee Language or- dered to be the Language of Civil Courts. exceptions, conversant with the language of the Province; the Circular (No. 408 of 11th April 1855) was issued, and Sindee, written in the Arabic character, was established as the language of record in all Civil as well as Criminal Judicial proceedings.

38. Kardars' and Moonsiffs' jurisdictions were also extended in this year; the former to suits up to Rs. 50, and the latter up to Rs. 1,000, with no other limits than those of Regulation V. of 1827.

39. The above closes the list of orders which have been issued for Civil procedure to the close of last year.

40. I will now pass on to the consideration of the Civil Returns which have been received from the Magistrates for the years 1853-54-55, premising that those for 1854 and 1855 alone are to be considered as trustworthy.

41. The number and value of original suits depending in 1855 are as follows:—

	Number.	Value.		
		Rs.	a.	p.
Kurrachee	2,374	1,87,211	0	5
Hyderabad	3,022	1,38,966	10	0
Shirkarpoor	2,098	87,050	6	7
Frontier Districts	353	42,690	0	0
Total	7,847	4,55,918	1	0

42. The vast majority of these are for simple contract debts. From the total number of suits set out in the last paragraph, 6,468 were of this nature, and 553 for land or land-rent.

43. The average amount in litigation in each particular case is generally small:—

	1853.	1854.	1855.
Kurrachee	Rs. 42	Rs. 59	Rs. 80
Hyderabad	„ 26	„ 41	„ 45 $\frac{3}{4}$
Shikarpoor	„ 33 $\frac{1}{2}$	„ 39 $\frac{1}{2}$	„ 41 $\frac{1}{2}$
Frontier Districts—no return	„ 49	„ 120	

Or, for the last three years:—

Kurrachee	Rs. 60 $\frac{1}{3}$
Hyderabad	„ 37 $\frac{1}{3}$
Shikarpoor	„ 38 $\frac{1}{3}$
Frontier Districts	„ 84 $\frac{1}{2}$

Making, for the whole Province, Rs. 55. This appears to be higher than in our older Provinces, where Rs. 35 would seem to be the average of each original suit; but lower than in the Punjab, where Rs. 60 is set down to be the average.

44. The average total amount in litigation for the three years bears to the gross Revenue as about 1 to 8 $\frac{1}{2}$, taking the latter at Rs. 34,00,000. In the Punjab the proportion is 1 to 5, by the latest published Returns.

45. It is satisfactory to find that the appeals bear a very small proportion to the original suits, although it would appear that they are increasing as the number of original suits are decreasing.

In 1852:—

	Original Suits.	Appeals.
Kurrachee	2692	17
Hyderabad	5176	54
Shikarpoor.....	4738	43
Frontier Districts.	No return.	

While in 1855 :—

Suits.	Appeals.
From 2374 in Kurrachee there were	48
,, 3022 in Hyderabad ,,	86
,, 2098 in Shikarpoor ,,	47
,, 353 in Frontier Districts ,,	0

46. The cause of this falling off in the number of Civil suits is two-fold :—

1st.—Mr. Frere's order of May 1853, directing that a fee of Rs. 1 should be taken on all suits under Rs. 20. Previous to this, as no fees were leviable in such small suits, parties used the Courts simply as agents for collecting their debts, whereas now nearly all trifling claims are settled privately.

2nd.—In former years every miscellaneous petition which did not come under the head of Revenue or Criminal, was classed as a Civil suit.

47. It, however, appears from the nature of the cases which have come before the Commissioner in appeal, that, while the number of suits has diminished, their intricacy and importance have increased ; and I believe the time of the Officers is more taken up than formerly in dispensing Civil Justice. Meanwhile, the people are becoming more satisfied with the administration of Justice, and bring before the Court cases which in former years they would have preferred leaving unsettled to running the chance of their claims being decided in a way which was hardly more satisfactory than a lottery.

48. The time it takes to dispose of a suit, viz. on an average of three years, is very creditable to the Officers concerned, considering the large extent of the Kardars', Deputy Magistrates', and Magistrates' Districts, and the general desire the parties have to the hearing of the case being postponed until the Officers come in their neighbourhood.

	Kurrachee.		Hyderabad.		Shikarpoor.		Frontier Districts.	
	Months.	Days.	Months.	Days.	Months.	Days.	Months.	Days.
In the Kardars' Court..	..	28	1	24	1	5	2	21
Moonsiffs' Court.....	..	..	..	7	..	21	..	..
Deputy Magistrates' Court	1	20	2	27	2	12	..	29
Magistrates' Court....	5	23	4	22	4	29	..	..

49. To be able fully to appreciate this, the average area (square miles 4,000) of a Deputy Collectorate in the Province should be borne in mind.

The total area of Sind is:—

	Square Miles.
Kurrachee	20,000
Hyderabad	26,000
Shikarpoor and Frontier	11,532
	<hr/>
	Total....57,532

And the total population, by last census considered much below the truth, is:—

	Males.	Females.	Total.
Kurrachee	183,156	138,163	321,319
Hyderabad	391,756	311,530	703,286
Shikarpoor	359,463	290,841	650,304
Frontier	25,951	17,004	42,955
	<hr/>	<hr/>	<hr/>
	Total....960,326	757,538	1,717,864

50. This would give a Civil dispute amongst every 122 of the male, or every 218 of the entire population of the Province; while in the Punjab it would appear that there is one Civil suit to every 175 souls.

51. The above are the main facts deducible from the Civil Returns which have been received, and which are tolerably perfect.

52. I am in hopes that by another year the Civil Returns will be received earlier and more correctly drawn up; the difficulty hitherto has been very great, and the adaptation to Sind of the printed form received from Government no easy task, on account of the imperfect records hitherto kept.

53. It remains now to notice the work in the Commissioner's Court. No regular file-book was kept until I joined in 1854; but it appears that the number of cases appealed previous to that date was very small. In the year 1855, 67 appeals were admitted; of these only 11 were disposed of up to the 31st December, but many more have been decided since then. No average duration of the time suits were pending would give a true estimate of the work performed, owing to the parties often petitioning that the appeal might lie over until

the Commissioner comes into their neighbourhood on tour, and to the fact that, being the final Court of appeal, it has been found necessary, to enable parties to obtain justice, not only to admit many old cases in appeal without regard to limit as to time, but actually to try them *de novo*, on account of the irregular and imperfect manner in which the lower Courts had treated them; and suits have taken months to dispose of, owing to the complicated accounts which it has been necessary to go through. I may mention the case of *Hurreea Mull v. Jeyt Sing and others*, which was filed on the 21st of May 1854, and in which the Punchayet have only now (August 1856) concluded their inquiry into the mass of accounts (said to have exceeded two hundred camel-loads !!), comprehending the entire accounts for twenty-five years of the first mercantile house in Shikarpoor, a house which had dealings (if not a separate agency) at nearly every chief town in Northern and Western India, Affghanistan, Cabool, &c., and other suits, in which, owing to the want of precedents, the difficulty of establishing local customs and usages required repeated references to the chief Brahmins and Punchayets throughout the Province ere a decision could be satisfactorily arrived at.

54. It is also to be borne in mind that the work of the Commissioner's Court forms only a small portion of the work the Commissioner and his Assistant have to perform, and that no increase to the Judicial Establishment of the Commissioner's office has been made since the time of Sir Charles Napier, although the work has increased twenty-fold. An application is, however, before Government for a suitable Establishment for the Commissioner's Court, which will greatly tend to the speedy disposal of Civil appeals.

55. The late rules for Vakeels, as they prevent any but respectable persons practising, will enable parties at a distance to feel confident in being properly and faithfully represented in the Commissioner's Court at Kurrachee, and tend much to the speedy disposal of all cases.

56. To recapitulate. The present Courts for Civil Justice and their respective jurisdictions are as follows:—

1. The Commissioner.
2. The Magistrates and Judicial Deputy Magistrates.
3. The Deputy Magistrates.
4. Moonsiffs at Sudder Stations.
5. Kardars.

57. The Kardars dispose of suits up to Rs. 50, and from their decisions an appeal lies to the Deputy Magistrate, and a final one to the Commissioner.

58. The Moonsiffs at Sudder stations try cases up to Rs. 1,000. The appeals from these Officers' decisions lie, first, to the Magistrate (but are disposed of generally by the Deputy Magistrate in charge of the Adawlut), and finally to the Commissioner.

59. The Deputy Magistrates dispose of all other original cases, with an appeal lying from their decision to the Magistrate, and a final one to the Commissioner.

60. The Magistrate's Court is generally one of appeal only, although he may, if he consider it necessary, try any original suit instituted in his Zillah. The Deputy Magistrate in charge of Adawlut takes nearly all the Judicial work off the Magistrate's hands, leaving that Officer more at liberty to attend to his Revenue matters, as well as to the general supervision of the Zillah.

61. The Deputy Magistrate in charge of Adawlut has power co-equal with the Magistrate, but has no distinct jurisdiction, and, in consequence, disposes only of cases sent to him by the Magistrate. In any original suit tried by him, the first appeal lies to the Magistrate, the final one to the Commissioner.

62. The Commissioner's is the Court of final appeal; he settles all points of procedure, and generally exercises the power of the Court of Sudder Dewanee Adawlut.

63. There is, besides these, a Court at each Sudder station, composed of the Moonsiff and from three to five members of the Punchayet, whose attendance is settled by rota. This Court tries cases up to Rs. 500, and from their decisions in cases under Rs. 50 no appeal is allowed; in others it lies to the Magistrate, whose decision, if agreeing with the lower Court, is final.

64. Parties, however, have the option of going before it or not; but from the following list it would appear that few have availed themselves of it:—

Kurrachee	None
Hyderabad	426
Shikarpoor	107

65. The most noble the Governor General declared that all

the above Courts have jurisdiction over Europeans as well as Natives.

66. The above shows the present system; and it is proposed to continue it with such modifications as from time to time may appear necessary.

67. Fees of 5 per cent. on the sum claimed are taken at the time of filing the original plaint, as also for each appeal. It has not been deemed advisable to reduce the appeals further than as at present; but it is intended that appeals to the Court of the Commissioner may be made admissible only on special grounds, after the manner of the Sudder Adawlut, when experience shows that the lower Courts are working sufficiently well to admit of its being done with safety.

68. The aid of Punchayets or arbitrators is often had recourse to in Civil matters; and when both parties agree to abide by the decision of arbitrators, presided over by an "Upree" or "Surpunch," on behalf of the Court, no appeal is allowed.

CRIMINAL.

69. I am now come to the second division of this portion of my Criminal Magistrates, Report, viz. the Administration of Criminal and Jurisdiction. Justice; and as the powers exercised by the different Officers have been but little altered, it will be best to define them at the outset.

70. By the orders received from the Bombay Government, the Criminal portion of the Code of Regulations of 1827 was to be followed as nearly as the local peculiarities would allow; but as the size of each Officer's charge exceeded that of the divisions in the older Provinces, and a separate Judicial establishment was not provided, it became necessary to combine, as it were, the functions of Magistrate and Session Judge, Assistant Magistrate and Assistant Session Judge;

All cases involving punishment not exceeding seven years' imprisonment, without confirmation; exceeding this, with confirmation of the Commissioner; and in capital cases, of Government. the result is, that in Sind the Magistrates have the full powers of a Magistrate in India, and also of a Session Judge; they can apprehend and punish petty offenders, or dispose of the most serious cases after committal to their Courts by the Deputy Magistrates.

71. The Deputy Magistrates in charge of Adawluts have, when Deputy Magistrates in specially empowered, the same powers as charge of Adawlut. the Magistrates, being, in fact, Joint Session Judges ; otherwise their jurisdictions do not exceed those of Deputy Magistrates.

Deputy Magistrates. 72. The Deputy Magistrates have the full powers of a Magistrate in India, and also of an Assistant Session Judge, with extended powers ; the former they exercise without confirmation (but their decisions are appealable to the Magistrate), while under the latter the decisions are subject to the confirmation of the Commissioner.

73. The Kardars have powers "simple" and "extended." Under Kardars. the former they dispose of such cases only as a Mamlutdar in India does ; but under the latter they decide (subject to the confirmation of the Deputy Magistrate) cases of the following nature :—

Theft.

Cattle-stealing (unaggravated).

Assault (ditto).

Resistance to public Officers in the execution of their duty.

Use of false weights and measures.

Wilful injury to property.

Disputes between masters and servants.

Fraud (unaggravated).

Selling poisonous or noxious drugs without a licence.

All nuisances declared penal under Act XXVI. of 1850 and Act XXI. of 1841.

And pass the following sentences :—

Imprisonment, with or without hard labour, for any period not exceeding four months.

Fine, not exceeding Rs. 100.

Flogging, not exceeding twenty-five stripes.

No sentence is, however, carried out until confirmed by the Deputy Magistrate.

74. All cases are handed up by the Police to the Kardar, and that

Officer either disposes of them himself, or prepares preliminary proceedings, and forwards them to the Deputy Magistrate, who tries them himself or sends them for trial to the Magistrate.

75. The Commissioner exercises the functions of the Sudder Foujdaree Adawlut, with the exception that sentences of transportation or death require the final confirmation of the Governor in Council.

76. I will now show the steps which were taken each year to advance Criminal Justice in the Province.

77. It would appear that on receipt of the Government instruc-

1849 and 1850. Steps taken, on receipt of the Government Orders, for the new distribution of Courts. tions in 1849, and during that and the following year, the extended powers of the Magistrates and Deputy Magistrates, the abolition of Military Commissions, and with them of the Civil Judge Advocate General's office, and the creation of a Judicial Assistant to the Commissioner, were promulgated and acted on. Forms of Trials, as used in the Political Courts in Kattywar, &c. were circulated, to show the procedure to be adopted in the trial of serious offences, and copies of the Regulations were issued throughout the Province.

78. A great many references were made on questions which arose Much correspondence upon the new Rules, the chief of which apparently were on the subject of the trial of persons in Military employ for Civil offences, and on the difficulty which arose from increased Judicial powers being required to be exercised without any corresponding increase of establishments being allowed; and although much correspondence took place, the year 1850 closed without any definite orders being issued on the subjects mooted.

1851. Mr. Frere succeeds Mr. Pringle. 79. Mr. Pringle having resigned, Mr. Frere was appointed his successor, and took charge of the office of Commissioner in January 1851.

80. As far as I can find from the records of the Office, the Monthly Returns strictly scrutinized. Monthly Returns strictly scrutinized were now, for the first time, strictly scrutinized; and, from the communications which are sent monthly to each Magistrate, it would appear that there existed a considerable want of knowledge of the first principles of Criminal Law, and a very general miscomprehension of the Regulations throughout the Province.

81. No Circulars on general points of procedure appear to have

been issued during this year, but the question of Kardars' jurisdiction in Criminal cases came under consideration.

1852. 82. Mr. Bellasis was appointed this year, Mr. Bellasis joins as and joined in October, as Judicial Assistant Judicial Assistant. Commissioner.

83. A good many instructions were issued on such minor points Instructions on minor of practice in Criminal cases, as the necessity of points issued. issuing warrants of committal when sending prisoners to jail; the necessity of Courts of Justice being open and public; and that infirm prisoners should not be sentenced to hard labour, tending to show how imperfect the system was in regard to matters with which it would have been but natural to expect every Officer in Government service to be acquainted.

84. Two Circulars, however, demand particular notice; the one which directed that, in all cases of sudden or Female Suicide. suspicious death, the body should not be interred until the consent of the Government Authorities had been obtained. This, I believe, was found necessary in order to determine the amount of the probability which existed that female murder was too often covered under a pretended suicide, the Proclamation of Sir Charles Napier having put a stop to the open killing of women for real or supposed infidelity.

85. The length to which proceedings in petty cases had been allowed to run, owing, I imagine, to Officers Length of Proceedings. still taking the apparently needless prolixity of Courts Martial for their guide, rendered it necessary to issue instructions to correct this evil (for evil it was, much valuable time being taken up in useless writing); and the procedure, as adopted by Magistrates in the Regulation Provinces, was circulated for information.

86. During the year 1853 numerous instructions were issued 1853. from this Office, tending much to simplify the Circular regarding In- administration of Criminal Justice. The-quest Reports, Cattle- stealing, &c. attention of the Magistrates was directed to the importance of Inquest Reports in cases of murder; to the value which was to be given to the confession of prisoners under different circumstances. Simple cattle-stealing also formed the subject of a Notification, in which, owing to the peculiar light in which the

offence is viewed by the natives of the Province, fine by distress was recommended as a suitable punishment; and in cases where poverty was pleaded, the offender was placed on some Government work, as a canal or road, for a month or six weeks, under surveillance of the Police, but receiving regular wages.

87. The question of female suicide was again brought to notice, ^{Further orders regarding Female Suicide.} and a Circular was issued directing a heavy fine (as ordered by Sir Charles Napier's Proclamation) to be levied on any village in which a suspicious case occurred, unless every assistance to investigation was rendered by the inhabitants. It was found, from Returns called for, that no Hindoo woman attempted self-destruction, and that no cases at all were known until after the introduction of the British rule, and the prohibition of killing wives by the sword on every occasion of infidelity, real or supposed, had been issued. Instructions were also issued to punish with severity all cases of adultery.

88. Reports having been called for on the subject of the exercise of Criminal Jurisdiction of Criminal powers by Kardars, and the general of Kardars extended. impression being that an increased jurisdiction was desirable, a Circular was prepared, but not issued until the commencement of the next year. This Circular, No. 40, of 17th January

1854, enabled Kardars to investigate on the spot many cases which otherwise would never have been brought to the notice of the Authorities, owing to the great trouble and annoyance the injured parties were put to from the distance they had to travel from their village to the Kutcheree of the Deputy Magistrate. The sentence was, however, still left in the hands of this Officer.

89. The great want of a measure like this had been brought by Captain Marston, the Captain of Police, to the notice of Mr. Pringle so early as 1849, with, however, no effect; it may have been questionable to give, at so early a period of our rule, and before our system of Justice could be understood, such extended powers as the Circular just issued gave; but, doubtless, some portion might have been allowed with advantage.

90. On my taking charge of the office of Judicial Assistant, I ^{Mr. Gibbs succeeds} found that, in spite of the great care and attention which had been bestowed by Messrs. Ellis

and Bellasis, there was still a considerable want of method in the preparation of Criminal trials, and the Commissioner was pleased to issue several Circulars to remedy this.

91. Confessions of prisoners were almost invariably recorded for Confessions of Prisoners. the defence instead of the prosecution ; and on occasions of prisoners pleading guilty, witnesses were nevertheless called for and examined *de novo*. Inquest Reports and confessions of prisoners were admitted on record without being proved ; and the proper mode of procedure to be adopted in cases in which the Deputy Magistrates exercised the powers of Assistant Session Judges, viz. a trial *de novo* on the Kardar's proceedings, was not acted on. Circulars were issued on these points, and the attention of Deputy Magistrates was also drawn to the necessity of punishing offences against morality, *i. e.* rape, adultery, &c. with greater severity ; and Mr. Frere was pleased to direct me to attend the Courts of the different Magistrates and Deputy Magistrates, and direct their attention to a more correct method of procedure.

92. Sindee was in this year ordered to be used as the language of Sindee introduced as the language of all records. the native record ; hitherto simply the statement of prisoners (when natives of Sind) had been recorded in the Vernacular.

93. I visited the Courts during this year and the following, and I Results of the Judicial Assistant visiting the Courts. believe I may safely state that the cases which now come before the Commissioner are comparatively seldom open to correction on points of procedure. I trust the work has been simplified and lessened, and while the prisoners have had justice strictly administered to them, the prosecutors and witnesses have been put to far less inconvenience than formerly.

94. No Circulars of importance were issued during this year until 1855. the close, when the working of Circular No. 40, of 17th January 1854 (vide paragraph 88), having come under consideration, and the Kardars' Criminal powers further extended. opinion of the Magisterial Officers being unanimous as to its good effects and to the efficient manner in which the Kardars had carried out its objects, Mr. Frere determined to allow the Kardars to add a sentence to their finding, which, however, for the present is not executed until confirmed by the Deputy Magistrate. I have little doubt

myself but that, after another year's experience, even this restriction may be withdrawn.

95. The speedy disposal of cases which come within the limit of the Circular is a great boon to the people; and with the present frequent travelling of the Officers through the length and breadth of the Province for eight months in the year, added to the fact that the people know a ready ear will always be given to their complaints, renders, I think, the chance of oppression and injustice very small.

96. It has, since the present year commenced, been considered necessary to enrol into one Circular the orders given at separate times on the subject of procedure in Criminal trials, and I have the honour to append a copy to this present report (Appendix C), albeit strictly it should not have come under review until the current year's reports are considered.

97. Monthly Returns are received within fifteen days after the expiration of each month; a copy of a portion of one is appended (Appendix D), from which it will be seen that, by a careful examination, no delay should escape the notice of the Magistrate or the Commissioner, by both of whom the Return is scrutinized.

98. Appended is a form (Appendix E), showing the Criminal cases disposed of during the past three years. Although much labour has been taken, it has been found impracticable to frame Returns in accordance with the forms furnished by Government.

99. From these Returns I think the amount of crime in the Province may be considered light. No particulars of the cases disposed of by Kardars are given, as they are all of a very simple nature (vide paragraph 73).

100. In 1855 there were 13,451 convictions by Kardars, 2,284 by European Officers; of which latter 1,248, or more than one-half, were cases of simple theft, and from these 784 were for simple theft of cattle.

Kardars 13,451	
European Officers	2,350
<hr/>	
Total	15,801

101. Cases of "robbery with force" show a total of 275, of which 227 "were by night," bearing to the total crime in Sind a proportion of about 1 to 60.

102. Offences against morality amount to 130, of which 46 were

cases of rape, and 65 of adultery. Crimes of this nature are more prevalent in the Hyderabad Zillah than elsewhere, and may, I consider, be ascribed to the large numbers of idle persons (quasi-retainers of the late Ameers), Khidmutgars, Khaskellies, and others, resident in this Collectorate.

103. Murders number 35; Homicides, 23. In almost every case jealousy has been the apparent cause. During the three years that I have been in Sind I do not remember more than 4, or at outside 6 cases in which any other cause was assigned.

104. The Return shows in :—

Kurrachee	1 crime to every	83 persons.
Hyderabad	1 , ,	127 , ,
Shikarpoor	1 , ,	115 , ,
Frontier Districts	1 , ,	76 , ,

Or 1 crime to every 105 of the entire population of this Province.

105. Acquittals and convictions give a proportion of 1 to $5\frac{1}{3}$ on the whole; or, in :—

Kurrachee	1 to	$3\frac{1}{2}$
Hyderabad	1 to	5
Shikarpoor	1 to	$2\frac{1}{2}$
Frontier	1 to	10

106. The increase in the number of cases disposed of by Kardars is, I think, as I before stated, traceable to the Circulars extending their powers, more cases having thereby been brought to notice.

107. There is a great increase exhibited in the number of cases disposed of by the European Officers in the Kurrachee Collectorate, as compared with those of the previous years. This I find, on examination, is mainly attributable to a great increase in the number of petty thefts in the Deputy Collectorate of Selwan, principally caused by the change effected in the Revenue management of that district, the introduction of leases having thrown out of employ numerous Buttaidars, Kurrawars, &c. (measurers, watchers, &c.), who were formerly employed under the old Buttaee system. These persons, who had acquired habits of peculation from having invariably subsisted on the grain in their charge, were, when thus unemployed, unable at once to relinquish their habits; hence the numerous convictions recorded, many of which were for thefts of grain.

108. The above, I believe, are the main points worthy of notice in the Criminal Returns, and with them I conclude this Report, which, notwithstanding all my endeavours to curtail its bulk, has far exceeded the limit I originally intended.

I have the honour to be, &c.

(Signed) J. GIBBS,
Judicial Assistant Commissioner in Sind.

Commissioner's Office, Kurrachee,

15th August 1856.

APPENDIX A.

Circular.

No. 598 of 1853.

JUDICIAL DEPARTMENT.

From the COMMISSIONER IN SIND,
 To the three MAGISTRATES : POLITICAL SUPERINTENDENT
 on the Frontier ; DEPUTY MAGISTRATE, Thurr and
 Parkur ; and CAPTAIN OF POLICE.

Dated 4th June 1853.

SIR,—I have the honour to forward certain Rules regarding prisoners confined for debt, and for the relief of insolvent debtors, in Sind, for your information and guidance.

2. From the date of this Circular no person shall be confined for debt, in any jail, except under an order signed by a Collector or Magistrate, or by a Deputy Collector or Magistrate.

3. Such an order will be in the form annexed, and the officer in charge of the jail shall be responsible for its execution, provided the information required under each head be clear and explicit; and if there are any deficiencies therein, he shall return it for amendment, with the debtor, to the Officer by whom the debtor was committed.

4. When a debtor against whom a decree has been given is committed to prison at the instance of a creditor, Regulation IV. of 1827, Section LXIII. Clause 1. the committing Authority shall fix whatever monthly allowance he may think sufficient for the debtor's subsistence, not being less than one anna nor more than four annas *per diem*, which shall be paid into Court by the creditor, by monthly payments in advance, on or before the 1st of each month, the first payment being made on the date of imprisonment for such portion of the current month as remains unexpired.

5. A debtor in confinement will be released at any time on full payment of the amount which may have been Section LXIII. Clause 2. decreed against him, or on the surrender of all his property, or at the instance of the confining creditor, or on such creditor's omitting to pay the allowance, as above directed, for the space of forty-eight hours after it has become due, to commence from the closing of the Court on the day on which the payment became due. The debtor will, moreover, be entitled to release under the rules detailed below.

6. Sums disbursed by a plaintiff for the subsistence of a defendant in prison shall be added to the decree, and Section LXIII. Clause 3. shall be recoverable from the debtor's property under the ordinary rules; but the defendant shall not be detained in custody, or arrested, on account of such disbursements.

7. In all cases, when the debtor is discharged from confinement, notice of his discharge shall at once be given, by the officer in charge of the jail, to the committing Authority.

8. Whenever a prisoner has been confined for debt, whether to Government or to any private individual, for a period of six months, the officer in charge of the jail shall forward him to the Magistrate of the Zillah, together with the Warrant on which he is detained.

9. The Magistrate shall then send for the proceedings in the case, and summon the creditor at whose instance the debtor is detained.

10. When the debtor is detained on account of a debt due to Government, the Magistrate shall require from the Officer by whom the debtor was committed his minute of proceedings in the case, the summing up of which should always be in English, and also a statement, showing any reasons he may have to allege why the debtor should be further detained.

11. On receipt of such statement, or where the creditor is a private individual, on appearance of the creditor the Magistrate shall proceed, in the creditor's presence and in open Court, to examine the debtor as to his means of paying the claim against him, and the Magistrate shall further examine any documents or witnesses bearing on the same subject, which either debtor or creditor may produce, or which he may himself call for as necessary to elucidate the case. After inquiry

the Warrant will be returned to the officer in charge of the jail, with the Magistrate's order endorsed thereon.

12. The Magistrate shall not examine into the merits of any claim. He shall merely satisfy himself that the order for committing the debtor to prison is definite and within the limits assigned by the rules laid down, and that it is issued by competent authority, and shall inform the debtor that anything he may have to urge against such order must be stated in the way of appeal against the decree on which the order was consequent, which appeal must be regularly made to a Court of superior jurisdiction.

13. If the Magistrate is satisfied that the debtor has given up all his property, and that there was nothing fraudulent nor wilfully careless which caused his inability to pay, he may make an order for his release, accompanied by such order as he may think fit for the payment of the debt, in whole or in part, from the property or income of the debtor.

14. The Magistrate may, in doubtful cases, defer granting an order to release for a period not exceeding three years from the date of imprisonment; and he may further direct, under the following Clause, additional imprisonment not exceeding three years.

15. If the Magistrate finds that the debtor has concealed or made away with his property, or that the cause of his inability to pay was in any way attributable to fraud or wilful carelessness on the debtor's part, he may commit such debtor to the Criminal Jail, without hard labour, for any period not exceeding three years. This imprisonment shall be ordered under a separate Warrant.

16. With the abovementioned exception, no debtor shall be confined in prison for debt for a longer period than three years; and whenever such term of imprisonment shall amount to three years, the officer in charge of the jail shall report such circumstance to the Magistrate, who shall thereupon make an order for his release, unless there be a Warrant for fraud, under Section XIV. In failure of the Magistrate doing so, the case shall be reported by the officer in charge of the jail to his immediate superior, for the information of the Commissioner.

17. It shall rest with the Magistrate, taking into consideration the circumstances which led to the debt being incurred, &c., whether an

order shall be passed relieving the debtor's future property and income, wholly or in part, from any subsequent liability on account of the debt.

18. When more than one creditor appears against a debtor, the claims of all creditors shall be considered and disposed of simultaneously; and any imprisonment consequent thereon will be subject to the above limitation.

19. No person who has once been discharged shall be liable to be imprisoned a second time on account of the same debt.

20. Any insolvent debtor may, by petition to a Magistrate, pray to have the above rules made applicable to himself.

21. Such petition shall have appended to it a schedule, stating the whole of the insolvent's liabilities, as far as they are known to the insolvent, and showing when and how they were incurred, with the names and residences of each of his creditors, and specifying what are his means of payment.

22. On receipt of such a petition and schedule, the Magistrate shall cause reasonable notice to be given to each of the creditors to appear on a given day, which he shall appoint, for hearing the petition. He shall also cause a proclamation to be put up in his Court, calling on all creditors of the petitioning insolvent to appear and prove their claims.

23. He shall then, on the day appointed, go over the petition and schedule, in the presence of the insolvent and of his creditors, and shall correct such schedule as far as the statements of both parties may enable him to do so.

24. The inquiry may be from time to time adjourned, to admit of references to arbitration, or of inquiries into specified points; and may at any time be suspended for a given period, on the petition of either party, in order to admit of any disputed point being regularly tried by Civil suit in the ordinary manner.

25. Whenever the Magistrate is satisfied that the insolvent's schedule is as perfect as it is practicable to make it, he shall proceed to dispose of the case in the spirit of Clauses 12 to 18 of the above Rules.

26. In all such cases the usual amount of fee payable in Civil suits shall be paid to Government from any insolvent's property, before any payment therefrom is made to his creditors.

27. It shall be competent to the Magistrate to delegate, in writing, to any one of his Deputies, any of the powers or duties devolving on the Magistrate under the above Rules.

I have the honour to be, &c.

(Signed) H. B. E. FRERE,
Commissioner in Sind.

Commissioner's Office, Kurrachee, 4th June 1853.

(True copy)

(Signed) J. GIBBS,
Judicial Assistant Commissioner in Sind.

WARRANT.

To the Officer in charge of the Civil Jail at

No.

You are hereby required to receive charge of the undermentioned Debtor, and dispose of him according to the decision of which an abstract is given below.

Court of _____
Date of Committal _____
At _____ This _____ of _____

Filed
No.

Lieutenant of Police.

APPENDIX B.

Rules regarding the Admission and Practice of Vakeels in the Civil Courts in Sind.

1. Any Barrister or Attorney at Law may practise in any Court in Sind ; subject, however, to the rules regarding the language of the Court in which they appear.
2. Any person holding a Sunnud from the Sudder Dewanee Adawlut may practise in any Court in Sind without further examination, on producing a security bond as required by rule No. 6.
3. Any person other than a Barrister or Attorney at Law, or Vakeel, qualified as above, who shall be desirous of practising as a Vakeel in the Court of the Commissioner, or of any Magistrate or Judicial Deputy Magistrate in Sind, shall, previously to so practising, be required to produce a Sunnud from the Commissioner in Sind, which will be granted after receiving a report from a Committee appointed as hereinafter mentioned.
4. The Committee shall be composed of:—
 1. Judicial Assistant to the Commissioner ;
 2. Judicial Deputy Magistrate of the Zillah in which the Committee assemble ;
 3. And a Native Judicial Officer, to be appointed by the Commissioner in Sind.
5. The Committee shall assemble yearly in each Zillah, at such time as the Commissioner may appoint.
6. Each Candidate for examination shall, fifteen days previous to the examination, forward to the Judicial Deputy Magistrate, to be laid before the Committee, a certificate of his respectability signed by two householders, who shall also enter into a bond, according to the form hereto annexed, for the professional good conduct of the party in case of his obtaining a Sunnud.

7. The Committee, having satisfied themselves of the sufficiency of the certificate and bond, shall examine the candidate as to his knowledge of the course of Civil procedure as laid down in the Bombay Code of Regulations of 1827, and in force in the Courts of Sind.

8. The names of all persons found by the said Committee to be competent shall be reported by them to the Commissioner, who will thereupon issue to such successful candidate a Sunnud, giving authority to practise in any of the Courts in the Province.

9. The fees of Vakeels shall be the same as in the Courts in the Bombay Presidency, but shall be enforced as part of the costs of the Judicial Deputy Magistrate, or Magistrate and Commissioner only. This rule shall not prevent any person from entering into any private agreement with his Vakeel; but such agreement, if in excess of the regulated fees, shall not be enforced as part of the costs of the suit.

10. Any Vakeel convicted of fraud or gross misconduct in his professional capacity will be liable to have his Sunnud suspended, or cancelled, by the Commissioner in Sind, and he may be fined by that Authority, the Magistrate, or Deputy Magistrate of the Zillah, to the extent of Rs. 200, recoverable from the securities in default of payment by the Vakeel.

11. Any such punishment shall not, however, protect the Vakeel from any Civil action or Criminal prosecution to which his conduct may otherwise render him liable.

12. Every Vakeel, previous to being heard in any case, shall present a Vakeelutnama executed by his client, which shall be duly filed amongst the papers in the suit.

13. Any Vakeel punished under Clause 10 of these rules may appeal to the Commissioner in Sind, whose decision shall be final.

14. The above rules are applicable to Civil Courts only. By Regulation XIII. of 1827, Section XXXVIII., any person may appear as Vakeel on behalf of a prisoner in any Criminal Court.

(Signed) H. B. E. FRERE,
Commissioner in Sind.

(True copy)

(Signed) J. GIBBS,
Judicial Assistant Commissioner in Sind.

APPENDIX C.

Circular.

No. 691 of 1856.

JUDICIAL DEPARTMENT.

To the three MAGISTRATES: ACTING POLITICAL SUPER-
INTENDENT, N.W.F.; DEPUTY MAGISTRATE, Thurr
and Parkur; and CAPTAIN OF POLICE.

Dated 4th July 1856.

SIR,—The objects of the Commissioner's Circulars, as per margin, No. 730 of 24th July 1852. apparently not having been clearly understood, I have the honour to inform you No. 871 of 4th August 1854. that they are cancelled, and the present No. 1014 of 2nd September 1854. Circular, embracing their requirements, with some additions, is issued in lieu.

2. I request the particular attention of yourself and your Deputies to a strict observance of its forms.

3. Three pattern Cases are herewith forwarded for your information and guidance, marked severally A, B, and C.

Regulation XII. of 1827, Section XIII. Clause 1, extended by Regulation IV. of 1830, Section III., and Regulation VIII. of 1831, Section II. Clause 1.

Powers of a Zillah Magistrate.

himself, without the confirmation of the Commissioner; in other words,

Regulation XIII. of 1827, Section XXXIX., from commencement to words "sufficient exhibit," shows the manner evidence is to be taken before the Zillah Magistrate.

witnesses confirming the depositions they made before the Kardar on hearing them read over will suffice.

4. Form A is to be used in cases where the nature of the offence is such as to enable the Deputy Magistrate to dispose of it

5. If the prisoner pleads guilty, a short statement of the facts deposed to by the principal witness when before the Kardar, together with the prisoner's own statement, will be sufficient record.

6. Forms B and C are to be used in the trial of all cases which have been committed to the Magistrate's Court, or in cases in which the nature of the offence is such that, although the Deputy Magistrate can try the prisoner, a punishment requiring the confirmation of the Commissioner is called for; *i. e.* a sentence above one and not exceeding seven years' imprisonment.

Regulation XIII. of 1827, Section XXXIX., last paragraph, "Except in trials" to end of section, is, by interpretation of the Sudder Foujdaree Adawlut, under date 24th November 1834, made applicable to Assistant Session Judges; and such interpretation is, by the provisions of Regulation I. of 1827, Section VII. Clauses 2 and 3, to be considered of equal force with the Regulation itself.

7. The Deputy Magistrate in such cases is exercising the powers of an Assistant Session Judge with extended powers, and the prisoner must be tried *de novo*, every witness being examined afresh, the Kardar's proceedings not being used further than as a guide to the Deputy Magistrate in examining the witnesses. The Regulation, as per margin, directs this course to be pursued.

8. In all trials the charge should be fully and carefully interpreted to the prisoner; and where, as in the case of receiving stolen property, the knowledge of the fact that it was stolen constitutes the crime; or in the case of rape, where the offence rests entirely on the fact of the connection being against the woman's consent, such should be clearly explained to the prisoner.

9. I would also, in regard to form B, particularly direct your attention to the following points:—property, or weapons, placed before the Court should be carefully described; jewels, or miscellaneous articles, should each be numbered, *ex. gr.* :—

1. A necklace (Kunti), gold.
2. A bangle (Kungan), silver.
3. A nose-ring (Nutoo), gold; with pearls, &c.

And when any witness identifies an article, the Court should state the number which the article bears on the list.

10. While the appointment of Assessors is always to be made in cases of murder, both Deputy Magistrates as well as Magistrates may

in other cases have recourse to such assistance, if they consider it necessary.

11. Care should be taken, in the appointment of Assessors, to obtain the services of those whose knowledge, local or otherwise, is likely to be of the greatest use; at the same time, of course, any person likely to be biassed either in favour of prisoner or prosecutor should be avoided.

12. When a witness is called for the prosecution, his examination in chief should be conducted by the Court. At its conclusion the prisoner has the right to cross-examine; and when he has finished, the Court can, if it choose, ask any further questions it may deem necessary, and this is called "Re-examination." The converse holds good in the case of prisoner's witnesses, whose examination in chief is by prisoner, the cross-examination by Court, and re-examination by prisoner.

13. Whenever an Inquest Report forms a portion of the preliminary proceedings, the Court is first to call in separately two (or more, if necessary) of the jurors, and examine them as to whether the document received as the Inquest Report be genuine. The best method is to place the document in the witness's hand, ask him if he can recognise his signature or seal on it, and, if he can, then to read the report, and ask him if it is correct; and on receipt of his reply in the affirmative, the document may be recorded.

14. The same rule applies to confessions of prisoners, which, I would here observe, should be recorded, if proved, for the prosecution. The main points to ascertain are, whether the witnesses to the statement were present the whole time prisoner was making it; whether any force or other unfair means were used; and also, whether they affixed their signatures to the statement at prisoner's request. The same course is to be observed in proving the confirmation before a Deputy Magistrate of a confession made before a Kardar when the case is on trial before the Magistrate. Confessions before Police officers, being prohibited by Proclamation, are never to be noticed in any way, except by a remark calling attention to the breach of orders committed.

15. In cases where, although the prisoner pleads "not guilty," his only statement received from the committing Authority is a confession, and which, having been proved as above required, in paragraph

14, has been recorded for the prosecution, the Court shall, upon the conclusion of the case for the prosecution, call upon the prisoner to make any defence *viva voce*, be it in commutation of punishment or otherwise, that he may choose, and such must be recorded by the Court; he shall also be asked whether he wishes to call any witnesses.

16. At the conclusion of a witness's deposition, the Court, when it considers such a course necessary, should record any opinion it may have formed as to the manner in which the witness has deposed, whether particularly clearly, or in a hesitating or other suspicious way.

17. In summing up the facts of the case to the Assessors, the Court should carefully avoid laying before them any but strictly legal evidence, and it should, as much as possible, point out the connecting links which complete the chain of proof.

18. In recording the finding of the Court, care should always be taken that the crime of which the prisoner is found guilty should be set out at full length.

19. It is as well here to observe, that under an indictment for a major offence a prisoner may be convicted of any minor crime contained in it; *ex. gr.* under an indictment for murder, a conviction for culpable homicide; or under an indictment for rape, a conviction for assault, either serious or trivial, may be arrived at.

20. With regard to form C, I would observe that, as Assessors should not be appointed until after the prisoner's plea has been

Regulation XIII. of 1827, Section XXXVII. recorded, it follows that when a prisoner pleads "guilty" no Assessors are required, as, by Clause 2nd.

Regulation per margin, the confession of a prisoner before the trying Court suffices for conviction.

21. After receiving and recording a plea of "guilty," therefore, the Magistrate, having caused to be read over to the prisoner the depositions of such witnesses given before the committing Authority as he may consider show the facts of the case, and also the prisoner's confession, likewise taken before the committing Authority (which, under these circumstances, need not be proved according to paragraph 14), shall then ask the prisoner whether he confirms his previous plea; and on receiving a reply in the affirmative, the Magistrate shall simply record that he finds the prisoner guilty upon his own confession, and shall pass sentence as usual. Such depositions as the Magistrate may have

had read to the prisoner, together with the prisoner's confession, shall form the evidence recorded in the English proceedings. No witness need be re-examined before the Magistrate, unless that Officer, for special reasons, considers such a course necessary for the better elucidation of the facts of the case.

22. The numbers in the margin of the forms refer to similar numbers on the Sindee record, and are placed for the sake of convenience in referring from one record to another. The Sindee record should bear a similar number, in English as well as the native character, to that on the English record.

23. In case of perjury on the part of any native witness, the native deposition would be the document on which he would be indicted, not the English. It is therefore necessary that the Court should sign each deposition taken in the native language, certifying that it was given on oath or solemn affirmation. A convenient form is:—

“Given on solemn affirmation (or oath) before me, this 10th day of March 1856.

(Signed) “A. B., Magistrate.”

24. Hindoos and Mussulmen alone can be examined on solemn affirmation. Parsees and Christians (except certain sects) must be examined on oath.

I have the honour to be, &c.

(Signed) JOHN JACOB, Lieutenant Colonel,
Acting Commissioner in Sind.

Commissioner's Office, Kurrachee, 4th July 1856.

(A.)

Criminal Court of the Deputy Magistrate of Nowshera.

CASE No. 45 of 1856.

Bukri, 11th March.

1st.—Read and recorded a report from the Mooktiarkar of Sahitee, forwarding the following prisoner:—

Bumboo wulud Ibrahim, aged 25, by religion a Mussulman, by trade a Sheik (*if a Hindoo, "by caste"*), by occupation a cultivator, residing at Ghaji Gopang, Talooka Nowshera, Zillah Hyderabad; charged, under Regulation XIV. of 1827, Section XXXVI. Clause 3rd, with robbery by night, with force; in having, during the night of the 9th of January 1856, (corresponding with Rubbee ul Akhur 30th, Hejirah 1272,) broken into the house of Nubbee Bux, in the village of Bagoo Dhera, Talooka Nowshera, and stolen therefrom property, value Rs. 90-14-0.

The prisoner, having had the charge duly explained, pleads "not guilty."

Two sheets, one pair of pyjamas, and one copper-pot are produced before the Deputy Magistrate.

2nd.—Read and recorded deposition of Nubbee Bux wulud Subbul, taken, on solemn affirmation, before the Mooktiarkar of Sahitee, on the 27th day of February 1856, to the effect that (*insert deposition*).

The witness now confirms this before the Court, on solemn affirmation, and adds,—“The list of things stolen,” &c.

Cross-examined by the prisoner:—“I did not see you,” &c. Witness withdraws.

3rd.—Read and recorded deposition of Atoo wulud Mean Khan, &c. (*as before*).

The case for the prosecution is closed.

4th.—Read and recorded statement of prisoner, taken before the Mooktiarkar of Sahitee, on the 27th February 1856, to the effect that he denies having committed the robbery.

Prisoner has nothing further to urge, or witnesses to call.

(If prisoner calls witnesses, record their depositions as those for the prosecution, only allowing prisoner to examine them in chief, and the Court to cross-examine.)

The Deputy Magistrate is of opinion that the prosecutor's statement, &c.

* * * * *

and therefore finds the prisoner, Bumboo wulud Ibrahim, guilty of "robbery by night, with force," as set out in the charge; and having so done, sentences him, under Regulation XIV. of 1827, Section XXXVII. Clause 3rd, to be imprisoned and kept to hard labour in the jail of Hyderabad for one (1) year.

5th.—Wrote warrant to Lieutenant of Police.

The prisoner is removed to custody.

(Signed) J. W. STACK,
Deputy Magistrate.

(True copy)

(Signed) J. GIBBS,
Judicial Assistant Commissioner in Sind, Shikarpoor.

(B.)

Shikarpoor, Monday, March 18th, 1856.

At a Criminal Court held before Major T. R. Steuart, Magistrate of Shikarpoor,—the Magistrate proceeds with the trial of Case No. 25 of the General Calendar for 1856.

Alla Bucksh wulud Mahomed, aged about 20 years, by religion a Mussulman, by tribe a Putan (*if a Hindoo, "by caste"*), by occupation a cultivator, residing in the village of Matela, Talooka Gotekee, Zillah Shikarpoor, received from Captain R. Cowper, Deputy Magistrate of Rohree, is brought up and placed at the bar, charged, under Regulation XIV. of 1827, Section XXVI. Clause 1st, with murder; in having, on the 21st of January 1856, (corresponding with 21st Rubbee ul Akhur, Hejirah 1272,) at the village of Matela, Talooka Gotekee, purposely, and without justifiable or extenuating cause,

deprived Hadjee wulud Ahmed Khan of life, by stabbing him in the back with a sword, or other sharp cutting instrument, from which stabs he then and there died.

How say you, prisoner, are you guilty or not guilty ?

The prisoner pleads " not guilty."

A sword, the blade of which bears stains resembling those of blood, and a pagri and trowsers, also bearing stains apparently of blood, are placed before the Court.

The following native gentlemen are chosen by the Magistrate to sit as Assessors :—

1. Sett Jeytsing.
2. Cazee Mahomed Yoosoof.
3. Sett Veeramull.

The prisoner is asked whether he has any objection to offer to any of the Assessors nominated by the Magistrate, and replies in the negative.

(Should the prisoner object, such is to be entered, and the Magistrate's decision on the objection, and, if necessary, the appointment of other Assessors.)

The Magistrate proceeds to record the evidence for the prosecution.

1st.—Morad Khan is called into Court, and, having been solemnly affirmed and duly cautioned, deposes as follows :—My name is Morad Khan, my father's name is Ahmed Khan (*if witness should be a married female, insert " my husband's" for " my father's"*), my age is about 18 years ; I am by religion a Mahomedan, by tribe a Putan (*if witness is a Hindoo, for " tribe" " caste" should be written*), by occupation a cultivator ; I reside at the village of Matela, Talooka Gotekee. I know the prisoner at the bar, &c.*

(At the close of the examination in chief, if prisoner asks any questions, add) Cross-examined by the prisoner :—" I saw you strike the deceased," &c.

(At the conclusion of cross-examination) The prisoner has no further question to ask.

(Then, if necessary) Re-examined by the Court :—" The sword was," &c.

Witness withdraws.

(Or should there be no cross-examination by the prisoner, after the

conclusion of the deposition at, state only)* The prisoner having no question to ask, witness withdraws.

(And in a similar manner the deposition of each witness for the prosecution is to be recorded.)

(At the close of the case for the prosecution add) The case for the prosecution is closed.

The case for the defence commences.

2nd.—Read and recorded the statement of prisoner, taken before Abdool Waid, Kardar of Gotekee, on the 30th day of January, and confirmed before Captain R. Cowper, Deputy Magistrate of Rohree, on the 10th February 1856, as follows:—“I was not at the village on the day on which the murder was committed,” &c.

(At the conclusion) Prisoner now confirms the above statement before the Court, but has nothing more to urge, or any witness to call. The case is therefore closed; and the Magistrate proceeds to lay the facts of the case before the Assessors, as follows:—

(Or if prisoner has any witness) Prisoner calls the following witnesses.

3rd.—Maneksing is called into Court, &c.

(As before, in deposition No. 1, but at, if necessary)* Cross-examined by the Magistrate:—“I was ill with fever,” &c.

Re-examined by prisoner:—“I never said I saw you,” &c.

There being no further questions to put, witness withdraws.

(And so on, for all prisoner's witnesses, at the conclusion of which) The prisoner having no further witnesses to call, the case is closed, and the Magistrate proceeds to lay the facts before the Assessors, as follows:—

The prisoner is charged with the murder of Hadjee wulud Ahmed Khan, and pleads “not guilty.” The facts proved in evidence are as follows, &c. &c.

(At conclusion of summary)

4th.—The Assessors deliver in their verdict in writing, that the prisoner is guilty of murder.

The Magistrate agrees with the Assessors, and therefore records his finding. The prisoner, Alla Bucksh wulud Mahomed, is guilty of murder; in having, on the 21st of January 1856, (corresponding with 21st Rubbee ul Aklur, Hejirah 1272,) at the village of Matelee, Talooka Gotekee, purposely, and without justifiable or extenuating

cause, deprived Hajee wulud Ahmed Khan of life, by stabbing him in the back with a sword, from which stabs he then and there died; and, having so done, proceeds, under Regulation XIV. of 1827, Section XXVI. Clause 4th, to pass sentence upon him in the following terms:—

Prisoner at the bar; the sentence of the Court upon you is, that you be hanged by the neck until you are dead, at the usual place of execution in Shikarpoor. This sentence, however, will not be carried into execution until the orders of the Governor of Bombay in Council (*or Commissioner in Sind, as the case may be*) shall be received regarding it.

The prisoner is removed into custody.

5th.—Wrote warrant on the Lieutenant of the Police for the safe custody of the prisoner, until further instructions be received.

6th.—Wrote letter to the Commissioner in Sind (*or, in case of Deputy Magistrate, Magistrate of Shikarpoor*), forwarding the case for confirmation.

The Court adjourns.

(Signed) T. R. STEUART, Major,
Magistrate.

(True copy)

(Signed) J. GIBBS,
Judicial Assistant Commissioner in Sind.

(C.)

Kurrachee, Saturday, July 29th, 1854.

At a Criminal Court held before Major H. W. Preedy, Magistrate of Kurrachee,—

The Magistrate proceeds with the trial of Case No. 54 of the General Calendar for 1854.

Futteh Sing wulud Muttch Sing, aged about 18 years, by religion a Hindoo, by caste a Lowana, by occupation a merchant, residing in the village of Meerpoor, Talooka Saera, Zillah Kurrachee, received

from W. J. Cole, Esq., Deputy Magistrate of Jurruck, is brought up and placed at the bar, charged, under Regulation XIV. of 1827, Section XXVI. Clause 1st, with murder; in having, on the 1st of January 1854, (corresponding with 1st Rubbee ul Akhur, Hejirah 1270,) in a Belya near the village of Meerpoor, Talooka Sacra, purposely, and without justifiable or extenuating cause, deprived Sukkee woman of life, by stabbing her in the neck and breast with a knife, or other sharp cutting instrument, from which stabs and wounds she then and there died.

How say you, prisoner, are you guilty or not guilty?

The prisoner pleads "guilty."

1st.—Read and recorded the deposition of Bhimjee wulud Manore, taken, on solemn affirmation, before Syed Ghoolam Ali, Kardar of Jurruck, on the 30th June, confirmed before W. J. Cole, Esq., Deputy Magistrate of Jurruck, on the 10th July 1854 (*insert deposition*).

2nd.—Read and recorded the deposition of Syed Nubbee Shah, taken, &c. (*as before*) to the effect that (*insert deposition*).

3rd.—Read and recorded, the statement of prisoner, taken before Syed Ghoolam Ali, Kardar of Jurruck, on the 30th day of June, and confirmed before W. J. Cole, Esq., Deputy Magistrate of Jurruck, on the 10th July 1854, to the effect that (*insert statement*).

The above depositions and statement having been read over to the prisoner, he is asked if he adheres to his plea of guilty, and on his replying in the affirmative, the Magistrate has nothing further to do than record his finding the prisoner, Futteh Sing wulud Mutteh Sing, guilty of murder on his own confession; and, having so done, proceeds, under Regulation XIV. of 1827, Section XXVI. Clause 4th, to pass sentence upon him in the following terms:—

Prisoner at the bar; the sentence of the Court upon you is that you be hanged by the neck until you are dead, at the usual place of execution in Kurrachee. This sentence, however, will not be carried into execution until the orders of the Governor in Council of Bombay shall be received regarding it.

The prisoner is removed into custody.

4th.—Wrote warrant on the Lieutenant of Police for the safe custody of the prisoner until further instructions be received.

5th.—Wrote letter to the Commissioner in Sind forwarding the case for confirmation. The Court adjourns.

(Signed) H. W. PREEDY, Major,
Magistrate.

(*NOTE.—Copies of 4th and 5th should invariably be placed with the papers in the case.*)

(True copy)

(Signed) J. GIBBS,
Judicial Assistant Commissioner in Sind.

(*Should it be necessary, in any trial conducted according to form B, to adjourn the Court, the following form should be used in recording such adjournment.*)

It being now five o'clock (*or for whatever other reason*), the Court considers it necessary to adjourn.

The prisoner is made over to the Lieutenant of Police for safe custody.

The sword and other property produced in Court are delivered over to the care of the Police.

The Assessors are requested to attend to-morrow morning (*or to whatever date it is necessary to adjourn*) at ten o'clock ; and the Court adjourns.

(Signed) T. R. STEUART, Major,
Magistrate.

Shirkarpoor, Tuesday, March 19th, 1856.

The Court sits again from its adjournment of yesterday.

The Assessors are present.

The prisoner, Alla Bucksh wulud Mahomed, is again brought up and placed at the bar.

The property produced at the last sitting is again placed before the Court.

The Magistrate proceeds with the evidence for the prosecution (*or defence, as it may be*).

(*A similar form, so far as it is applicable, should be used on recording adjournment in cases tried according to forms A and C.*)

(True copy)

(Signed) J. GIBBS,
Judicial Assistant Commissioner in Sind.

APPENDIX

*Return of Criminal Cases disposed of by the Magistrate and his Deputies,
for the month of July 1856, as called*

No. of Case.	No. of Prisoners in each Case.	Names of Prisoners.	Age.	Religion and Caste.	Occupation.	Residence.	Abstract of Charge.	Offence where committed.
1	2	3	4	5	6	7	8	9
545	1	Kodoo, son of Purrial Lohana.	15	Hindoo ..	Labourer ..	Mahomed Khan's Tanda.	Administering Datora to two women (Reg. 14 of 1827, Sect. 29, Cl. 3), with intent to do them some bodily harm.	Mahomed Khan's Tanda.
546	1	Moroladad, son of Golo Kario.	22	Mussulman	Ditto ..	Hyderabad.	Rape (Reg. 14 of 1827, Sect. 29, Cl. 1), in forcibly having had connection with the wife of Nidham Kario.	Datusna Garden.
547	1	Ismael, son of Ibrahim Dhurs.	30	Ditto ..	Cultivator.	Hummopota.	Prisoners Nos. 1 and 2, robbery without force, by night (Reg. 14 of 1827, Sect. 37, Cl. 4), of a camel, value Rs. 32; Nos. 3 and 4, aiding in the above offence after the fact (Reg. 14 of 1827, Sec. 1, Cl. 5), in assisting the thieves to dispose of the stolen camel; No. 5, receiving stolen property (Reg. 14 of 1827, Sec. 41, Cl. 1), in purchasing the above-mentioned camel.	Hyderabad.
	2	Alloo, son of Jacob Gaho.	16	Ditto ..	Camelherd.	Dooaba.		
	3	Rhai Khan, son of Ghalam Mahomed Khan Bunglaine.	50	Ditto ..	Cultivator.	Alyar Tanda.		
	4	Jarroo, son of Thao Bunglaine.	40	Ditto ..	Ditto ..	Ditto.		
	5	Muchoo, son of Gool Hussain Bunglaine.	30	Ditto ..	Ditto ..	Omerkoto.		

D.

and the Officers of the Police in the Jurisdiction of the Hyderabad Zillah, for in the Commissioner's Circular.

10	11	12	13	14	15	16	17	18	19
19th July	20th July.	21st July.	25th July.	Acquitted ; but, the case being suspicious, to furnish two good securities of Rs. 7 each (or in default nine months' imprisonment with hard labour) for two years' good conduct, or in default to be imprisoned for that period without labour.	Jail.	24th July.			
30th June.	30th June.	2nd July.	25th July.	Acquitted, and released.	Ditto.	25th July.			
Four months ago. Ditto.	8th July.	8th July.	23rd July.	Acquitted ; Nos. 1, 2, and 3 remanded to prison, being already under sentence ; Nos. 4 and 5 released.	Ditto.	26th July.			
Three months ago.	5th June.								Captain W. R. Lambert, Judicial Deputy Magistrate.
Ditto.	Ditto.								
5th April 1856.	16th April.								

APPENDIX D (*continued*).—Cases disposed of under the

No. of Case.	No. of Prisoners in each Case.	Names of Prisoners.	Age.	Religion and Caste.	Occupation.	Residence.	Abstract of Charge.	Offence, where committed.
1	2	3	4	5	6	7	8	9
548	1	Poogur, son of Gehee Lohana.	12	Hindoo ..	Labourer ..	Hyderabad.	Theft, without force, by night (Reg. 14 of 1827, Sect. 39), of a pair of scales, value Rs. 1-2-0.	Hyderabad.
549	1	Dadoo, son of Nuthoo Sheik.	30	Mahomedan.	Cook	Ditto ..	Theft, without force, by night (Reg. 14 of 1827, Sect. 29), of goods, value Rs. 29.	Ditto.
550	1	Mohoo, son of Chatoo Roonja.	30	Mahomedan.	Labourer ..	Ditto ..	Prisoner No. 1, breach of local rules, in not reporting the finding of silver coins, value Rs. 11G (Reg. 14 of 1827, Sect. 29).	Ditto.
	2	Muntar, son of Jaitha Lohana.	30	Hindoo ..	Ditto ..	Ditto ..	No. 2, breach of local rules, in receiving Rs. 20 worth of the above without reporting the circumstances, and knowing them to have been found (Reg. 14 of 1827, Sect. 29).	
551	1	Muntar, son of Eodun Jhajjun.	60	Mahomedan.	Labourer ..	Jahyno in Doaba.	Theft, without force, by day (Reg. 14 of 1827, Sec. 29), in stealing property, value Rs. 2.	Hallapoto.
552	1	Joomah, son of Lalloo.	15	Memon ..	Hyderabad.	Hyderabad.	No. 1, robbery by day, without force, of cash Rs. 108-3-0 (Reg. 14 of 1827, Sect. 37, Cl. 4); No. 2, for receiving the above cash, knowing it to have been stolen (Reg. 14 of 1827, Sect. 41, Cl. 1).	Hyderabad.
	2	Bhaven, son of Poolloo.	35	Lohana ..	Shroff	Ditto.		

Commissioner's Circular No. 1688, dated 24th December 1855.

Date on which the Offence was committed.	Date of Appearance or Apprehension.	Date of Despatch of Case from District Police Officer to Deputy Magistrate.	Date of Arrival of Case to Deputy Magistrate.	Abstract of Conviction and Sentence, or Decision on the Case.	Prisoner on Bail or in Jail previous to trial.	Date of Decision.	Cause of Detention between Apprehension and Sentence, if any.	By whom decided.	Remarks, showing the Offence and Sentence in any former Case.
10	11	12	13	14	15	16	17	18	19
11th July	11th July	23rd July	25th July	Convicted, and sentenced to six months' imprisonment with hard labour, and to receive twenty-four lashes, twelve now and twelve a month hence.	Jail.	23rd July			The eighth offence.
22nd July	23rd July	23rd July	23rd July	Not guilty, and released.	Ditto.	Ditto.			
17th July	20th July	21st July	24th July	No. 1 convicted, and sentenced to six days' imprisonment with hard labour, and to pay a fine of Rs. 10. No. 2 not guilty, released.	Ditto.	26th July			Captain W. R. Lambert, Judicial Deputy Magistrate.
18th July	21st July	25th July	25th July	Convicted, and sentenced to three months' imprisonment with hard labour.	Ditto.	26th July			Has before, as he says, been punished for theft.
8th July	10th July	11th July	11th July	Prisoner No. 1 convicted, and sentenced to suffer a month's imprisonment with hard labour, and to receive twenty-four lashes, twelve now and twelve on release; and to pay a fine of Rs. 100, or, in default, to suffer six months' additional imprisonment with hard labour; prisoner No. 2, not proven, but there being cause for suspicion,	Ditto.	11th July	None.		

APPENDIX D (*continued*).—*Cases disposed of under the*

No. of Case,	No. of Prisoners in each Case,	Names of Prisoners.	Age.	Religion and Caste.	Occupation.	Residence.	Abstract of Charge.	Offence where committed.
1	2	3	4	5	6	7	8	9
553	1	Choojah, son of Boodah.	14	Lohana ..	Labourer ..	Hyderabad	Theft of cash, Rs. 5-4-0 (Reg. 14 of 1827).	Hyderabad.
554	1	Sooka, son of Doolmandas.	30	Cooknee ..	Servant ..	Hindoostan	Robbery by night, without force, of property valued at Rs. 99-6-0 (Reg. 14 of 1827, Sect. 37, Cl. 4).	Ditto.

Magistrate's Office, Hyderabad, 1st September 1856.

Commissioner's Circular No. 1688, dated 24th December 1855.

Date on which the Offence was committed.	Date of Appearance or Apprehension.	Date of Despatch of Case from District Police Officer to Deputy Magistrate.	Date of Arrival of Case to Deputy Magistrate.	Abstract of Conviction and Sentence, or Decision on the Case.	Prisoner on Bail or in Jail previous to trial.	Date of Decision.	Cause of Detention between Apprehension and Sentence, if any.	By whom decided.	Remarks, showing the Offence and Sentence in any former Case.
10	11	12	13	14	15	16	17	18	19
15th July	15th July	17th July	17th July	the prisoner is directed to furnish two securities of Rs. 150 each for his good conduct for six months, or, in default, to suffer six months' imprisonment. The securities, in default, to be imprisoned for three months.	Jail.	17th July	None.	Mr. W. Dowman, Deputy Magistrate.	Securities furnished.
6th July	15th July	17th July	17th July	Convicted, and sentenced to suffer six months' imprisonment with hard labour, and to receive twenty-four lashes, twelve now and twelve on release.					Old offender.
				Acquitted and released.					

(Signed) E. P. Down,
Magistrate.

(True copy)

(Signed) J. GIBBS,
Judicial Assistant Commissioner in Sind.

APPENDIX E.

List of Cases disposed of in the Kurrachee Zillah by the Magistrate, Deputy Magistrates, and Kardars.

Year.	Murder.	Childable Homicide.	Bapse.	Scrupulous Assault.	Trial Assault.	Adultery.	Forgery.	Perjury.	Robbery, with force, by Night.	Robbery, without force, by Day.	Simple Theft.	Receiving Stolen Property.	Simple Robbery of cattle.	Receiving Stolen Goods.	Unnatural Crime with Human Beings.	Unnatural Crime with cattle.	Other Offences.	Total Convictions by Deputy Magistrates.	Acquittals by Kardars.	Total Convictions by Magistrates and Kardars.	Deputy Magistrates, and Kardars.	Total Acquittals by Magistrate, and Kardars.	Deputy Magistrates, and Kardars.	Total Acquittals by Magistrates, and Kardars.	Deputy Magistrates, and Kardars.		
1853	4	2	5	13	14	..	2	..	26	8	39	16	81	34	175	34	..	1	3	48	508	277	2135	311	2643	588	
1854	7	2	11	18	5	..	1	2	20	5	33	7	98	22	171	19	..	2	..	45	470	108	2733	615	3203	723	
1855	7	1	14	7	36	14	..	2	2	39	14	30	25	160	25	286	7	..	..	5	93	767	442	3084	725	3851	1167
Total.	18	6	18	23	67	33	..	5	4	85	27	102	48	339	81	632	60	..	3	8	186	1745	827	7952	1651	9697	2478

(Signed) J. Gibbs,
Judicial Assistant Commissioner in Sind.

List of Cases disposed of in the Hyderabad Zillah by the Magistrate, Deputy Magistrates, and Kardars.

Year.	Convictions by Magistrate and Deputy Magistrates.										By Kardars.																
	Deputy Magistrates.					Kardars.					Deputy Magistrates.					Kardars.											
1853	11	7	3	23	20	5	..	3	58	11	27	16	188	33	291	46	2	..	5	94	850	195	1879	318	2729	513	
1854	11	8	12	15	49	36	3	2	1	55	13	48	28	215	54	278	36	..	6	6	174	1050	234	2887	386	3937	620
1855	16	19	22	9	88	41	1	..	3	53	20	38	16	238	46	275	22	..	6	5	165	1053	225	5249	965	6302	1190
Total.	38	34	41	27	160	97	9	2	7	166	44	113	60	641	133	844	104	2	12	16	433	2953	634	1001	151669	12968	2323

(Signed) J. Gibbs,
Judicial Assistant Commissioner in Sind.

List of Cases disposed of in the Shikarpur Zillah by the Magistrate, Deputy Magistrates, and Kardars.

Year.	Murder.	Culpable Homicide.	Serious Assault.	Trivial Assault.	Adultery.	Forgery.	Perjury.	Robbery, with force, by Night.	Robbery, with force, by Day.	Robbery, without force, by Night.	Robbery, without force, by Day.	Receiving Stolen Property.	Receiving Stolen Catte.	Receiving Stolen Goods.	Simple Theft.	Receiving Stolen Property.	Receiving Stolen Catte.	Receiving Stolen Goods.	Simple Offences.	Total Convictions by Magistrates.	Total Convictions by Magistrate, and Kardars.	Convictions by Kardars.	Agitations by Deputy Magistrates.	Agitations by Kardars.	Convictions by Magistrates, and Kardars.	Total Agitations by Magistrates, and Kardars.	Kardars.	By Kardars.
1853	5	7	1	10	11	9	1	2	1	39	6	62	13	73	19	569	14	10	..	..	24	876	459	2070	700	2946	1159	
1854	4	3	..	9	8	5	5	..	5	73	5	21	14	16	23	144	12	10	..	..	30	387	480	2670	723	3057	1203	
1855	9	11	10	12	7	10	5	3	6	135	14	37	6	14	16	104	2	6	1	2	54	464	422	5118	2007	5582	2429	
Total.	18	21	11	31	26	24	11	5	12	247	25	120	33	103	58	817	28	26	1	2	108	1727	1361	9858	3430	11585	4791	

(Signed) J. Gibbs,
Judicial Assistant Commissioner in Sind.

List of Cases disposed of in the Frontier Districts, by the Magistrate, Deputy Magistrates, and Kardars.

(Signed) J. Gibbs,
Judicial Assistant Commissioner in Sind.

FOR THE YEAR 1855.

I.—*Mooktiarkars and Kardars.*

	Kurrachee.	Hyderabad.	Shikarpoor.	Frontier.	Total.
Depending 1st January....	95	42	50	9	196
Instituted during the year..	1860	1181	864	266	4171
Received by transfer.....	10	6	....	....	16
Total....	1965	1229	914	275	4383
Decided on merits.....	1409	625	571	248	2853
Dismissed on default.....	59	81	26	8	174
Adjusted or withdrawn....	324	477	268	16	1085
Otherwise disposed of .....	....	13	7	....	20
Total....	1792	1196	872	272	4132
Depending 31st December .	173	33	42	3	251

II.—*Moonsiffs at the Head Quarter Stations.*

	Kurrachee.	Hyderabad.	Shikarpoor.	Frontier.	Total.
Depending 1st January....	41	....	41
Instituted during the year..	1263	500	....	1763
Received by transfer	2	....	....	2
Total....	1265	541	....	1806
Decided on merits	1227	451	....	1678
Dismissed on default.....	4	4	....	8
Adjusted or withdrawn....	32	39	....	71
Otherwise disposed of	7	....	7
Total....	1263	501	....	1764
Depending 31st December	2	40	....	42

III.—Deputy Magistrates.

	Kurrachee.	Hyderabad.	Shikarpoor.	Frontier.	Total.					
	Original.	Appeal.	Original.	Appeal.	Original.					
Depending 1st January ..	96	2	65	8	82	1	5	248	11	
Instituted during the year.	323	29	470	66	561	19	71	1425	114	
Received by transfer .....	..	27	12	28	..	27	2	..	14	82
Total....	419	58	547	102	643	47	78	..	1687	207
Decreed for plaintiff or appellant	184	17	196	25	281	6	48	..	709	48
Decreed for defendant or respondent	70	31	28	52	58	24	11	..	167	107
Remanded .....	..	..	..	3	..	1	..	..	..	4
Dismissed on default	12	2	42	9	43	5	..	..	97	16
Adjusted or withdrawn	71	2	166	8	140	6	16	..	393	16
Otherwise disposed of	10	..	7	..	5	..	..	..	22	..
Total....	347	52	439	97	527	42	75	..	1388	191
Depending 31st December.	72	6	108	5	116	5	3	..	299	16

IV.—Magistrates.

	Kurrachee.	Hyderabad.	Shikarpoor.	Frontier.	Total.					
	Original.	Appeal.	Original.	Appeal.	Original.					
Depending 1st January	21	1	36	..	25	..	..	1	82
Instituted during the year.	..	26	..	4	..	27	..	..	..	57
Received by transfer	1	..	..	..	..	..	1	..
Total....	..	47	2	40	..	52	..	..	2	139
Decreed for plaintiff or appellant	2	1	2	..	2	..	..	1	6
Decreed for defendant or respondent	15	..	3	..	7	..	..	..	25
Remanded
Dismissed on default	1	..	1	..	..	..	2
Adjusted or withdrawn	1	..	1	..	5	..	..	..	7
Otherwise disposed of	26	1	31	..	27	..	..	1	84
Total....	..	44	2	38	..	42	..	..	2	124
Depending 31st December.	..	3	..	2	..	10	..	..	..	15

V.—Aggregate of Original Jurisdiction.

	Kurrachee.	Hyderabad.	Shikarpoor.	Frontier.	Total.
Depending 1st January ..	191	108	173	....	472
Instituted during the year.	2183	2914	1925	....	7022
Total....	2374	3022	2098	....	7494
Decided on merits	1663	2077	1361	....	5071
Dismissed on default	71	127	73	....	271
Adjusted or withdrawn ..	395	675	447	....	1517
Otherwise disposed of....	....	....	19	....	19
Depending 31st December.	245	143	198	....	587
Decided by European Judges	337	433	335	....	1105
Do. Native do.	1792	2446	1142	....	5380
Do. Punchayet .....	..	..	416	....	416
Total decided....	2129	2879	1893	....	6901

VI.—Description of Original Suits.

	Kurrachee.	Hyderabad.	Shikarpoor.	Frontier.	Total.
Connected with land rent ..	9	35	46	2	92
Otherwise connected with land	118	125	216	2	461 } 553
Connected with debts, wages, &c.....	1931	2706	1605	226	6468
Do. with caste, reli- gion, &c.	71	13	91	....	175
Do. indigo, sugar, silk, &c .....	....	....	....	117	117
Total....	2129	2879	1958	347	7313

VII.—Total Value of Suits Depending.

	Kurrachee.	Hyderabad.	Shikarpoor.	Frontier.	Total.
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Before Original Courts.	1,87,211 0 5	1,38,966 10 0	87,050 6 7	42,690 11 0	4,55,918 12 0
Total....	1,87,211 0 5	1,38,966 10 0	87,050 6 7	42,690 11 0	4,55,918 12 0

VIII.—*Result of Original Suits.*

	In favour of Plaintiff.	In favour of Defendant.
Kurrachee	1873	256
Hyderabad	1928	149
Shikarpoor	1667	226
Frontier	323	24
Total.....	5791	655

IX.—*Average Duration of Suits.*

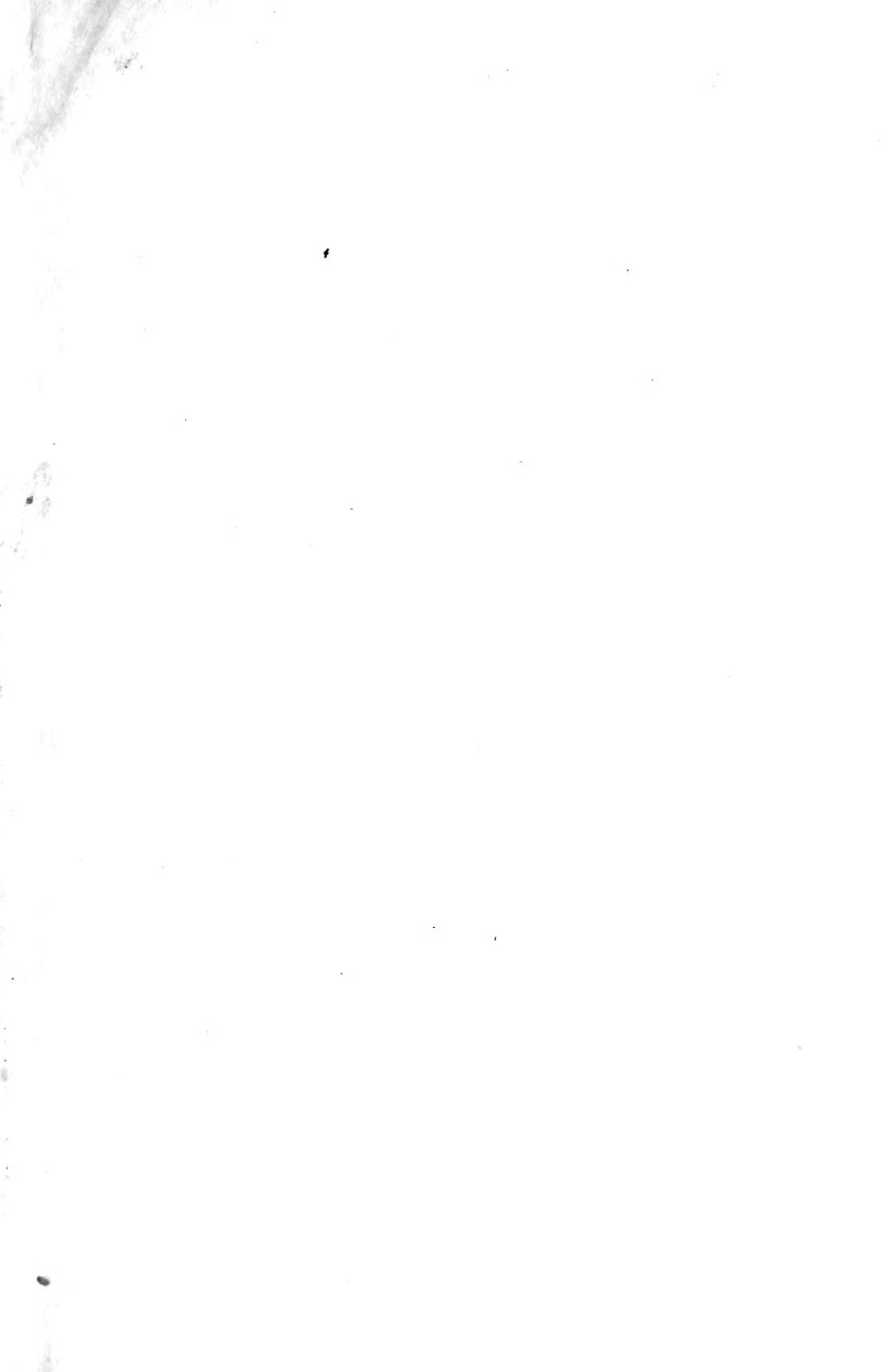
	Kurrachee.			Hyderabad.			Shikarpoor.			Frontier.			Average.		
	Years.	Months.	Days.	Years.	Months.	Days.	Years.	Months.	Days.	Years.	Months.	Days.	Years.	Months.	Days.
Magistrate	2	29	..	1	14	..	5	24	..	..	..	..	2	15	
Deputy Magistrates...	3	3	..	2	12	..	2	16	..	1	..	..	2	8	
Kardars	28	..	1	1	..	1	12	..	..	23	3	..	1	4	
Moonsiffs	2	18	1½	15

(Signed) J. GIBBS,
Judicial Assistant Commissioner in Sind.















JQ Gibbs, James
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S58J84 administration of the
1857 province of Sind

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